

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC.
SECURITIES LITIGATION

Case No. 4:19-cv-00957

Judge George C. Hanks, Jr.

ORAL ARGUMENT REQUESTED

**MOTION TO FILE UNDER SEAL DEFENDANTS' OPPOSITION
TO CLASS PLAINTFFS' REQUEST FOR JUDICIAL NOTICE AND MOTION
FOR AN ORDER DEEMING CERTAIN ADMITTED FACTS ESTABLISHED,
APPENDIX A, AND THE DECLARATION OF MATTHEW J. PETERS AND
ACCOMPANYING EXHIBITS IN SUPPORT OF SAME**

Pursuant to Rule 6 of the Administrative Procedures for Electronic Filing in Civil and Criminal Cases, Section (C)(7) of the Court's Procedures, and the Parties' Stipulation and Protective Order (ECF Nos. 174, 190), Defendants Alta Mesa Resources, Inc., Riverstone Holdings LLC, Harlan H. Chappelle, Michael E. Ellis, William D. Gutermuth, James T. Hackett, Ronald J. Smith, Jeffrey H. Tepper, and Diana J. Walters (together, "Defendants") hereby request leave of Court to file under seal the unredacted versions of the following: 1) Defendants' Opposition to Plaintiffs' Request for Judicial Notice and Motion for an Order Deeming Certain Admitted Facts Established; 2) Appendix A; 3) Declaration of Matthew J. Peters, and accompanying Exhibits 1 - 3 in support of same.

BACKGROUND

On June 1, 2021, the parties filed a Stipulation and Protective Order, which the Court approved on August 17, 2021 (the "Protective Order") (ECF Nos. 174, 190). The

Protective Order allows the parties to designate certain sensitive materials as “Confidential” or “Confidential – Attorney’s Eyes Only.” ECF No. 190 ¶¶ 4-9. If a party later files a document that it has designated “Confidential” or “Confidential – Attorney’s Eyes Only,” the party must file a motion to file under seal pursuant to the Court’s procedures the Protective Order. *Id.* ¶ 24.

On October 20, 2024, counsel for Defendants notified the parties who had designated as Confidential pursuant to the Protective Order documents that are exhibits to the Motions *in Limine*, about their intent to file their Motions *in Limine* and accompanying declaration and exhibits under seal and listed the specific documents to be filed under seal in the attached Appendix. The designating parties do not object to the Motion to Seal.

The opposition briefs, declarations and accompanying exhibits to be filed under seal are listed in the attached Appendix.

ARGUMENT

Defendants’ Opposition to Class Plaintiffs’ Request for Judicial Notice and Motion for an Order Deeming Certain Admitted Facts Established, Appendix A and the Declaration of Matthew J. Peters and accompanying Exhibits 1-3 in support are confidential and sensitive documents subject to the Protective Order. This Court maintains “supervisory power” over its own docket and should act to deny public access to documents “where court files might . . . become a vehicle for improper purposes.” *SEC v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)). Courts routinely seal the sensitive business and financial information of parties, recognizing that such information is subject to use for “improper

purposes.” *See Udoewa v. Plus4 Credit Union*, 754 F. Supp. 2d 850, 884 (S.D. Tex. 2010) (granting a motion to seal where “[t]he excerpts from the [documents] at issue contain extensive financial information of a sort that is often kept confidential”) (citing *Cooper Tire & Rubber Co. v. Farese*, 2009 WL 514071, at *1 (N.D. Miss. Feb. 27, 2009) (sealing “sensitive financial documents”)).

CONCLUSION

Pursuant to Paragraph 24 of the Protective Order, the Protected Materials “must be filed under seal on CM/ECF.” Protective Order ¶ 24. Defendants therefore request that the Court grant this Motion to Seal and order the Protected Materials to remain sealed.

APPENDIX OF MATERIALS TO BE SEALED

Exhibit	Description
N/A	<i>Opposition to Class Plaintiffs' Request for Judicial Notice and Motion for an Order Deeming Certain Admitted Facts Established</i>
N/A	Declaration of Matthew J. Peters in Support of Defendants' Opposition to Class Plaintiffs' Request for Judicial Notice and Motion for an Order Deeming Certain Admitted Facts Established
N/A	Appendix A, Response to Plaintiffs' List of Judicially Noticeable Facts
1	Excerpts of the August 23, 2024 Status Conference Hearing Transcript
2	Plaintiffs' First Set of Requests for Admission to Defendant Riverstone Holdings, LLC dated July 31, 2023
3	Plaintiffs' First Set of Requests for Admission to Defendant Alta Mesa Resources, Inc. dated July 31, 2023

Dated: October 28, 2024

Respectfully submitted,

/s/ J. Christian Word

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CERTIFICATE OF SERVICE

I certify that on October 28, 2024, a true and correct copy of the foregoing document was filed with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ J. Christian Word

J. Christian Word